

EMPLOYMENT TRIBUNALS

Claimant: Mr K Ramezany

Respondent: David Wood Baking Limited

Heard at: Liverpool On: 2 September 2022

Before: Employment Judge Horne

REPRESENTATION:

Claimant: In person

Respondent: Mr Wiltshire, counsel

Interpreter: Mr K Solhjoo (Farsi)

JUDGMENT

- 1. The claimant's relations with the respondent were not governed by a contract of employment between 18 September 2022 and 5 November 2022.
- 2. The respondent did not make any deduction from the claimant's holiday pay.
- 3. The claimant had no right to be paid holiday pay in respect of the period 18 September 2022 to 5 November 2022. He did not take annual leave during that period and he was not a worker for the respondent during that period.
- 4. Claim 2400059/2022 therefore fails and is dismissed.
- 5. The claimant's last period of employment with the respondent began on 5 November 2022 and ended on 4 February 2022.
- 6. The claimant does not have the protection of section 94 of the Employment Rights Act 1996 against unfair dismissal. He was not continuously employed for two years ending with the effective date of termination.
- 7. The claimant did not repudiate his contract of employment and the respondent consequently was required by the contract to give notice of termination.
- 8. By terminating the claimant's employment without notice, the respondent breached the claimant's contract of employment.

- 9. The tribunal makes no award of damages in respect of the breach. This is because the respondent paid the claimant in full for his contractual notice period, which would have expired on 11 February 2022.
- 10. Claim 2402546/2022 therefore fails and is dismissed.

Employment Judge Horne Date: 2 September 2022

SENT TO THE PARTIES ON 6 September 2022

FOR THE TRIBUNAL OFFICE

<u>Note</u> – Reasons for this judgment were given orally at the hearing. Written reasons will not be provided unless a party makes a request in writing within 14 days of the date when this judgment is sent to the parties. If written reasons are provided, they will be published on the tribunal's online register which is visible to internet searches.